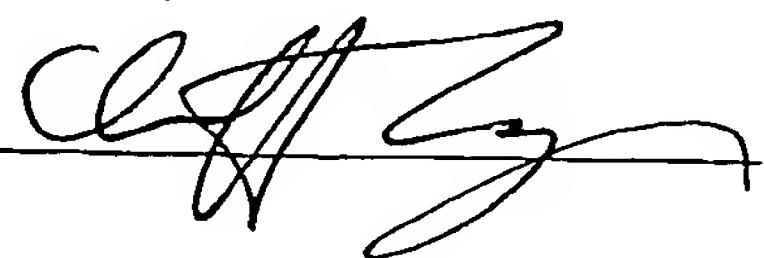


## CERTIFICATE OF TRANSMISSION

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On 01/03/08  
(Date)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

RECEIVED

Thomas LANDAZURI

JAN 03 2008

Serial No.: 10/585,198

PCT SPECIAL  
PROGRAMS OFFICE

International App. No.: PCT/EP03/14985

Examiner: Bryan Lin

Filed: December 30, 2003

For: CREAM FILLER COMPOSITION AND METHOD FOR PREPARING

## RENEWED PETITION UNDER 37 CFR 1.47(b)

To the Director of Patents and Trademarks

Sir:

In response to the Decision mailed November 28, 2007, kindly consider this request for reconsideration and the attached additional evidence. This Renewed Petition incorporates by reference the evidence and statements of the Petition for Filing Without Inventor's Signature Under 37 CFR 1.47(b) filed October 17, 2007 and Additional Evidence filed October 18, 2007 and November 1, 2007. The attached additional documentary evidence (Annexes 9, 10, and 11) provide the information lacking in the original Petition (identified in the Decision as item 2, item 4, and item 5).

Annex 9 is a declaration executed by the 37 CFR 1.47(b) applicant (Tate & Lyle Europe NV) on behalf of and as agent for the nonsigning inventor Thomas Landazuri. The declaration was executed by the Managing Director of Tate & Lyle Europe NV, Jan Hutzebaut. Annex 10 is an affidavit from Carol Vandeputte, the person who actually sent the papers to the inventor and to whom the refusal was made, stating that the nonsigning inventor refused to sign. Annex 11 is an affidavit from Roland Coen of Tate & Lyle Europe NV, stating that he has first-hand knowledge that the invention was made by the inventor during and as a result of his employment with the assignee.

Applicant believes that this additional evidence satisfies all of the requirements of the code section and supplies all of the documents identified as lacking in the Decision. As a result, the Petition should be granted and the Application accepted.

## CONCLUSION

Acceptance of the petition and application are requested.

Respectfully,



James C. Wray, Reg. No. 22,693  
Clifford D. Hyra, Reg. No. 60,086  
1493 Chain Bridge Road, Suite 300  
McLean, Virginia 22101  
Tel: (703) 442-4800  
Fax: (703) 448-7397

Date: January 3, 2008

## Annex 9

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted With Initial Filing      OR       Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)))

B600 is a collection of information unless it contains a valid OMB control number.	
Attorney Docket Number	ROB
First Named Inventor	Thomas Landazuri
<b>COMPLETE IF KNOWN</b>	
Application Number	10/585,198
Filing Date	06/30/2006
Art Unit	
Examiner Name	

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

# Cream Filler Composition and Method for Preparing

**(Title of the Invention)**

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)

06/30/2006

as United States Application Number or PCT International

Application Number 10/585,198 and was amended on (MM/DD/YYYY)   (if applicable).

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	NO
PCT/EP2003/014985	PCT	12/30/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

[Page 1 of 2]  
This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**SEND TO: Commissioner for Patents, P.O. Box 1438, Alexandria, VA 22313-1438.**  
**If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.**

PTO/SB/01 (08-04)

Approved for use through 07/31/2008. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:

The address associated with Customer Number:

[Redacted]

OR

Correspondence address below

Name

James C. Wray

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1493 Chain Bridge Road, Suite 300

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ZIP 22101

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U.S.

Telephone

(703) 442-4800

Fax

(703) 448-7397

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## NAME OF SOLE OR FIRST INVENTOR:

 A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Thomas

Family Name or Surname

Landazuri

Inventor's Signature

Jan Hutzebau

on behalf of Thomas

LANDAZURI

Date

17/12/2007

Residence: City

Director

State

Aalst

Country

Belgium

Citizenship

Belgian

Mailing Address

Burchtstraat 10

City

Aalst

State

Zip

B-9300

Country

Belgium

## NAME OF SECOND INVENTOR:

 A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Family Name or Surname

Inventor's Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

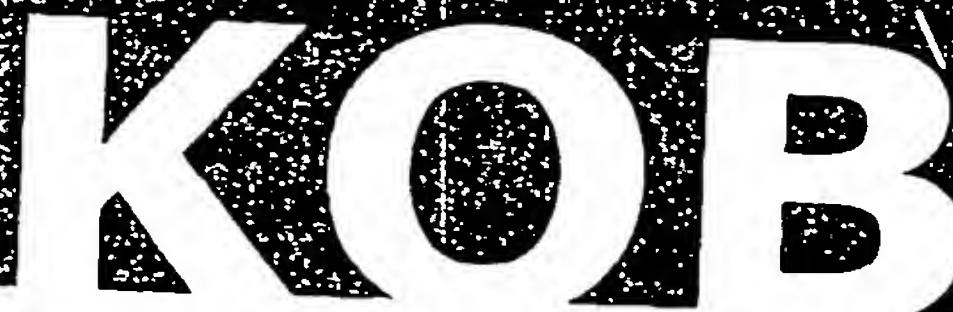
City

State

Zip

Country

Additional inventors or a legal representative are being named on the \_\_\_\_\_ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.



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patents - trademarks - designs

Annex 10

## AFFIDAVIT

Kortrijk, December 27<sup>th</sup>, 2008

I, Carol Vandeputte, hereby declare that I contacted Mr. Tomas Landazuri several times by E-mail requesting him to sign a declaration form and an assignment document (these documents being added in attachment to these E-mails). However, he answered me back by E-mail stating that he refused to sign these papers for the reason that he did not work at Tate & Lyle Europe NV anymore, and he did not feel comfortable with these papers.

Mrs. Carol Vandeputte, Ing.

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DEXIA-Kortrijk no. 068-2157844-09 IBAN BE 52 0682 1578 4409 SWIFT : GKCCBEBB  
postrekening | compte postal | post account  
BE 000-1596198-63



Annex II

## AFFIDAVIT

Aalst, December 18, 2007

I, Roland Coen, hereby confirm that I prepared the draft proposal of the patent application related to the invention of Tomas Landazuri. This shows that I had firsthand knowledge of the present invention being made by the inventor during and as a result of his employment with the assignee.

Roland Coen